



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1417

Introduced 2/6/2013, by Sen. Michael Noland

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/8.20

Amends the Fire Protection District Act. Provides that the fire chief of any fire protection district may fix, charge, and collect fees associated with the fire department extinguishing an open burning that is prohibited due to atmospheric or other conditions. The fee may be imposed against any person causing or engaging in the prohibited activity, or the owner of the property on which the open burning took place. The total amount collected to compensate the fire protection district shall be assessed in accordance with both the rates provided in another Section of the Act and the fire chief's determination of the cost of personnel and equipment utilized to extinguish the fire. Effective immediately.

LRB098 07609 OMW 37681 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Fire Protection District Act is amended by  
5 changing Section 8.20 as follows:

6 (70 ILCS 705/8.20)

7 Sec. 8.20. Open burning.

8 (a) The board of trustees of any fire protection district  
9 incorporated under this Act may, by ordinance, require that the  
10 district be notified of open burning within the district before  
11 it takes place, but shall not require that a permit for open  
12 burning be obtained from the district. The district may not  
13 enforce an ordinance adopted under this Section within the  
14 corporate limits of a county with a population of 3,000,000 or  
15 more or a municipality with a population of 1,000,000 or more.

16 (b) The fire department of a fire protection district may  
17 extinguish any open burn that presents a clear, present, and  
18 unreasonable danger to persons or adjacent property or that  
19 presents an unreasonable risk because of wind, weather, or the  
20 types of combustibles. The unreasonable risk may include the  
21 height of flames, windblown embers, the creation of hazardous  
22 fumes, or an unattended fire. Fire departments may not  
23 unreasonably interfere with permitted and legal open burning.

1 (c) The fire protection district may provide that persons  
2 setting open burns on any agricultural land with an area of 50  
3 acres or more may voluntarily comply with the provisions of an  
4 ordinance adopted under this Section.

5 (d) The fire chief or any other designated officer of a  
6 fire department of any fire protection district incorporated  
7 under this Act may, with the authorization of the board of  
8 trustees of the fire protection district, prohibit open burning  
9 within the district on an emergency basis, for a limited period  
10 of time, if (i) the atmospheric conditions or other  
11 circumstances create an unreasonable risk of fire because of  
12 wind, weather, or the types of combustibles and (ii) the  
13 resources of the fire department are not sufficient to control  
14 and suppress a fire resulting from one or more of the  
15 conditions or circumstances described in clause (i) of this  
16 subsection. For the purposes of this subsection, "open burning"  
17 includes, but is not limited to, the burning of landscape  
18 waste, agricultural waste, household trash, and garbage.

19 (e) The fire chief or any other designated officer of a  
20 fire department of any fire protection district incorporated  
21 under this Act may fix, charge, and collect fees associated  
22 with the fire department extinguishing an open burning that is  
23 prohibited under subsection (d) of this Section. The fee may be  
24 imposed against any person causing or engaging in the  
25 prohibited activity, or the owner of the property on which the  
26 open burning took place. The total amount collected for

1 compensation of the fire protection district shall be assessed  
2 in accordance with both the rates provided in Section 11(f)(c)  
3 of this Act and the fire chief's determination of the cost of  
4 personnel and equipment utilized to extinguish the fire.

5 This Section does not authorize the open burning of any  
6 waste. The open burning of waste is subject to the restrictions  
7 and prohibitions of the Environmental Protection Act and the  
8 rules and regulations adopted under its authority.

9 (Source: P.A. 97-488, eff. 1-1-12.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.